

Calendar No. 444

105<sup>TH</sup> CONGRESS  
2D Session

**S. 1403**

[Report No. 105-230]

**A BILL**

To amend the National Historic Preservation Act  
for purposes of establishing a national historic  
lighthouse preservation program.

JUNE 26, 1998

Reported with an amendment

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2D SESSION**S. 1403****[Report No. 105–230]**

To amend the National Historic Preservation Act for purposes of establishing  
a national historic lighthouse preservation program.

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 7, 1997

Mr. MURKOWSKI introduced the following bill; which was read twice and  
referred to the Committee on Energy and Natural Resources

JUNE 26, 1998

Reported by Mr. MURKOWSKI, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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**A BILL**

To amend the National Historic Preservation Act for purposes of establishing a national historic lighthouse preservation program.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “National Historic  
5       Lighthouse Preservation Act of 1997”.

1 **SEC. 2. PRESERVATION OF HISTORIC LIGHT STATIONS.**

2 Title III of the National Historic Preservation Act  
3 (~~16 U.S.C. 470w–470w–6~~) is amended by adding at the  
4 end the following new section:

5 **“§ 308. Historic lighthouse preservation**

6 “(a) **IN GENERAL.**—In order to provide a national  
7 historic light station program, the Secretary shall—

8 “(1) collect and disseminate information con-  
9 cerning historic light stations, including historic  
10 lighthouses and associated structures;

11 “(2) foster educational programs relating to the  
12 history, practice, and contribution to society of his-  
13 toric light stations;

14 “(3) sponsor or conduct research and study into  
15 the history of light stations;

16 “(4) maintain a listing of historic light stations;  
17 and

18 “(5) assess the effectiveness of the program es-  
19 tablished by this section regarding the conveyance of  
20 historic light stations.

21 **“(b) CONVEYANCE OF HISTORIC LIGHT STATIONS.—**

22 “(1) Within one year of enactment, the Sec-  
23 retary and the Administrator of General Services  
24 (hereinafter Administrator) shall establish a process  
25 for identifying, and selecting, an eligible entity to  
26 which a historic light station could be conveyed for

1 education, park, recreation, cultural and historic  
2 preservation purposes.

3 “(2) The Secretary shall review all applicants  
4 for the conveyance of a historic light station, when  
5 the historic light station has been identified as ex-  
6 cess to the needs of the agency with administrative  
7 jurisdiction over the historic light station, and for-  
8 ward to the Administrator a single approved applica-  
9 tion for the conveyance of the historic light station.

10 When selecting an eligible entity, the Secretary may  
11 consult with the State Historic Preservation Officer  
12 of the state in which the historic light station is lo-  
13 cated. A priority of consideration shall be afforded  
14 public entities that submit applications in which the  
15 public entity enters into a partnership with a non-  
16 profit organization whose primary mission is historic  
17 light station preservation.

18 “(3) The Administrator shall convey, by quit  
19 claim deed, without consideration, all right, title,  
20 and interest of the United States in and to the his-  
21 toric light station, together with any related real  
22 property, subject to the conditions set forth in sub-  
23 section (c) upon the Secretary’s selection of an eligi-  
24 ble entity. The conveyance of a historic light station

1 under this section shall not be subject to the provi-  
2 sions of 42 U.S.C. 11301 et seq.

3 ~~“(c) TERMS OF CONVEYANCE.—~~

4 ~~“(1) The conveyance of a historic light station~~  
5 ~~shall be made subject to any conditions as the Ad-~~  
6 ~~ministrator considers necessary to ensure that—~~

7 ~~“(A) the lights, antennas, sound signal,~~  
8 ~~electronic navigation equipment, and associated~~  
9 ~~light station equipment located on the property~~  
10 ~~conveyed, which are active aids to navigation,~~  
11 ~~shall continue to be operated and maintained by~~  
12 ~~the United States for as long as needed for this~~  
13 ~~purpose;~~

14 ~~“(B) the eligible entity to which the his-~~  
15 ~~toric light station is conveyed under this section~~  
16 ~~shall not interfere or allow interference in any~~  
17 ~~manner with aids to navigation without the ex-~~  
18 ~~press written permission of the head of the~~  
19 ~~agency responsible for maintaining the aids to~~  
20 ~~navigation;~~

21 ~~“(C) there is reserved to the United States~~  
22 ~~the right to relocate, replace, or add any aid to~~  
23 ~~navigation or make any changes to property~~  
24 ~~conveyed under this section as may be nec-~~  
25 ~~essary for navigation purposes;~~

1           “(D) the eligible entity to which the his-  
2           toric light station is conveyed under this section  
3           shall maintain the property in accordance with  
4           the National Historic Preservation Act of 1966;  
5           16 U.S.C. 470–470x, the Secretary’s Historic  
6           Preservation Standards, and other applicable  
7           laws; and

8           “(E) the United States shall have the  
9           right, at any time, to enter property conveyed  
10          under this section without notice for purposes  
11          of maintaining and inspecting aids to naviga-  
12          tion and ensuring compliance with paragraph  
13          (C), to the extent that it is not possible to pro-  
14          vide advance notice.

15          “(2) The Secretary, the Administrator, and any  
16          eligible entity to which a historic light station is con-  
17          veyed under this section, shall not be required to  
18          maintain any active aids to navigation associated  
19          with a historic light station.

20          “(3) In addition to any term or condition estab-  
21          lished pursuant to this subsection, the conveyance of  
22          a historic light station shall include a condition that  
23          the property in its existing condition, at the option  
24          of the Administrator, revert to the United States  
25          if—

“(A) the property or any part of the property ceases to be available for education, park, recreation, cultural, and historic preservation purposes for the general public at reasonable times and under reasonable conditions which shall be set forth in the eligible entity’s application;

“(B) the property or any part of the property ceases to be maintained in a manner that ensures its present or future use as an aid to navigation or compliance with the National Historic Preservation Act, 16 U.S.C. 470–470x, the Secretary’s Historic Preservation Standards, and other applicable laws; or

“(C) at least 30 days before the reversion, the Administrator provides written notice to the owner that the property is needed for national security purposes.

“(d) DESCRIPTION OF PROPERTY.—The legal description of any historic light station, and any real property and improvements associated therewith, conveyed under this section shall be determined by the Administrator. The Administrator may retain all right, title, and interest of the United States in and to any historical artifact, including any lens or lantern, that is associated with

1 the historial light station whether located at the light sta-  
 2 tion or elsewhere.

3       “(e) RESPONSIBILITIES OF CONVEYEES.—Each eligi-  
 4 ble entity to which a historic light station is conveyed  
 5 under this section shall use and maintain the light station  
 6 in accordance with this section, and have such terms and  
 7 conditions recorded with the deed to title to the light sta-  
 8 tion and any real property conveyed therewith.

9       “(f) DEFINITIONS.—For purposes of this section:

10       “(1) HISTORIC LIGHT STATION.—The term  
 11 ‘historic light station’ includes the light tower, light-  
 12 house, keepers dwelling, garages, storage sheds, sup-  
 13 port structures, piers, walkways, and underlying  
 14 land; provided that the light tower or lighthouse  
 15 shall be—

16               “(A) at least 50 years old;

17               “(B) evaluated for inclusion in the Na-  
 18 tional Register of Historic Places; and

19               “(C) included on the Secretary’s listing of  
 20 historic light stations.

21       “(2) ELIGIBLE ENTITY.—The term ‘eligible en-  
 22 tity’ shall mean any department or agency of the  
 23 Federal government, any department or agency of  
 24 the state in which the historic light station is lo-  
 25 cated, the local government of the community in



1       which the historic light station is located, nonprofit  
 2       corporation, educational agency, or community devel-  
 3       opment organization that—

4               “(A) has agreed to comply with the condi-  
 5       tions set forth in subsections (c) and to have  
 6       those conditions recorded in the conveyance  
 7       documents to the light station and any real  
 8       property and improvements that may be con-  
 9       veyed therewith;

10              “(B) is financially able to maintain the  
 11       light station (and any real property and im-  
 12       provements conveyed therewith) in accordance  
 13       with the conditions set forth in subsection (c);  
 14       and

15              “(C) can indemnify the Federal govern-  
 16       ment to cover any loss in connection with the  
 17       light station and any real property and im-  
 18       provements that may be conveyed therewith, or  
 19       any expenses incurred due to reversion.”.

20   **SEC. 3. SALE OR SURPLUS LIGHT STATIONS.**

21       Title III of the National Historic Preservation Act  
 22   (~~16 U.S.C. 470w–470w–6~~) is amended by adding at the  
 23   end the following new section:

1 **“§ 309. Historic light station sales**

2 “In the event no applicants are approved for the con-  
 3 veyance of a historic light station pursuant to section 308,  
 4 the historic light station shall be offered for sale. Terms  
 5 of such sales shall be developed by the Administrator of  
 6 General Services. Conveyance documents shall include all  
 7 necessary covenants to protect the historical integrity of  
 8 the site. Net sale proceeds shall be transferred to the Na-  
 9 tional Maritime Heritage Grant Program, established by  
 10 the National Maritime Heritage Act of 1994, Public Law  
 11 103–451, within the Department of the Interior.

12 **SEC. 4. TRANSFER OF HISTORIC LIGHT STATIONS TO FED-**  
 13 **ERAL AGENCIES.**

14 Title III of the National Historic Preservation Act  
 15 of 1966, 16 U.S.C 470–470x, is amended by adding at  
 16 the end the following new section:

17 **“§ 310. Transfer of historic light stations to Federal**  
 18 **agencies**

19 “After the date of enactment, any department or  
 20 agency of the Federal government, to which a historic  
 21 light station is conveyed, shall maintain the historic light  
 22 station in accordance with the National Historic Preserva-  
 23 tion Act of 1966, 16 U.S.C. 470–470x, the Secretary’s  
 24 Historic Preservation Standards, and other applicable  
 25 laws.

1 **SEC. 5. FUNDING.**

2       There are hereby authorized to be appropriated to the  
3 Secretary of the Interior such sums as may be necessary  
4 to carry out this Act.

5 **SECTION 1. SHORT TITLE.**

6       *This Act may be cited as the “National Historic Light-*  
7 *house Preservation Act of 1998”.*

8 **SEC. 2. PRESERVATION OF HISTORIC LIGHT STATIONS.**

9       *Title III of the National Historic Preservation Act (16*  
10 *U.S.C. 470w–470w–6) is amended by adding at the end the*  
11 *following new section:*

12 **“§ 308. Historic lighthouse preservation**

13       “(a) *IN GENERAL.*—*In order to provide a national his-*  
14 *toric light station program, the Secretary shall—*

15               “(1) *collect and disseminate information con-*  
16 *cerning historic light stations, including historic*  
17 *lighthouses and associated structures;*

18               “(2) *foster educational programs relating to the*  
19 *history, practice, and contribution to society of his-*  
20 *toric light stations;*

21               “(3) *sponsor or conduct research and study into*  
22 *the history of light stations;*

23               “(4) *maintain a listing of historic light stations;*  
24 *and*

1           “(5) assess the effectiveness of the program estab-  
2           lished by this section regarding the conveyance of his-  
3           toric light stations.

4           “(b) CONVEYANCE OF HISTORIC LIGHT STATIONS.—

5           “(1) Within one year of the date of enactment of  
6           this section, the Secretary and the Administrator of  
7           General Services (hereinafter Administrator) shall es-  
8           tablish a process for identifying, and selecting, an eli-  
9           gible entity to which a historic light station could be  
10          conveyed for education, park, recreation, cultural, or  
11          historic preservation purposes.

12          “(2) The Secretary shall review all applicants  
13          for the conveyance of a historic light station, when the  
14          historic light station has been identified as excess to  
15          the needs of the agency with administrative jurisdic-  
16          tion over the historic light station, and forward to the  
17          Administrator a single approved application for the  
18          conveyance of the historic light station. When select-  
19          ing an eligible entity, the Secretary may consult with  
20          the State Historic Preservation Officer of the state in  
21          which the historic light station is located. A priority  
22          of consideration shall be afforded public entities that  
23          submit applications in which the public entity enters  
24          into a partnership with a nonprofit organization

1     *whose primary mission is historic light station pres-*  
2     *ervation.*

3             *“(3)(A) Except as provided in paragraph (B),*  
4     *the Administrator shall convey, by quit claim deed,*  
5     *without consideration, all right, title, and interest of*  
6     *the United States in and to the historic light station,*  
7     *subject to the conditions set forth in subsection (c).*  
8     *The conveyance of a historic light station under this*  
9     *section shall not be subject to the provisions of 42*  
10    *U.S.C. 11301 et seq.*

11            *“(B)(i) Historic light stations located within the*  
12    *exterior boundaries of a unit of the National Park*  
13    *System or a refuge within the National Wildlife Ref-*  
14    *uge System shall be conveyed or sold only with the*  
15    *approval of the Secretary.*

16            *“(ii) If the Secretary approves the conveyance or*  
17    *sale of a historic light station referenced in this para-*  
18    *graph, such conveyance or sale shall be subject to the*  
19    *conditions set forth in subsection (c) and any other*  
20    *terms or conditions the Secretary considers necessary*  
21    *to protect the resources of the park unit or wildlife*  
22    *refuge.*

23            *“(iii) For those historic light stations referenced*  
24    *in this paragraph, the Secretary is encouraged to*  
25    *enter cooperative agreements with appropriate eligible*

1        *entities, as provided in this Act, to the extent such co-*  
2        *operative agreements are consistent with the Sec-*  
3        *retary's responsibilities to manage and administer the*  
4        *park unit or wildlife refuge, as appropriate.*

5        *“(c) TERMS OF CONVEYANCE.—*

6                *“(1) The conveyance of a historic light station*  
7        *shall be made subject to any conditions the Adminis-*  
8        *trator considers necessary to ensure that—*

9                *“(A) the lights, antennas, sound signal, elec-*  
10        *tronic navigation equipment, and associated*  
11        *light station equipment located at the historic*  
12        *light station, which are active aids to naviga-*  
13        *tion, shall continue to be operated and main-*  
14        *tained by the United States for as long as needed*  
15        *for this purpose;*

16                *“(B) the eligible entity to which the historic*  
17        *light station is conveyed under this section shall*  
18        *not interfere or allow interference in any man-*  
19        *ner with aids to navigation without the express*  
20        *written permission of the head of the agency re-*  
21        *sponsible for maintaining the aids to navigation;*

22                *“(C) there is reserved to the United States*  
23        *the right to relocate, replace, or add any aid to*  
24        *navigation located at the historic light station as*  
25        *may be necessary for navigation purposes;*

1           “(D) the eligible entity to which the historic  
2 light station is conveyed under this section shall  
3 maintain the historic light station in accordance  
4 with the National Historic Preservation Act of  
5 1966, 16 U.S.C. 470–470x, the Secretary of the  
6 Interior’s Standards for the Treatment of His-  
7 toric Properties, and other applicable laws;

8           “(E) the eligible entity to which the historic  
9 light station is conveyed under this section shall  
10 make the historic light station available for edu-  
11 cation, park, recreation, cultural or historic  
12 preservation purposes for the general public at  
13 reasonable times and under reasonable condi-  
14 tions; and

15           “(F) the United States shall have the right,  
16 at any time, to enter the historic light station  
17 without notice for purposes of maintaining and  
18 inspecting aids to navigation and ensuring com-  
19 pliance with paragraph (C), to the extent that it  
20 is not possible to provide advance notice.

21           “(2) The Secretary, the Administrator, and any  
22 eligible entity to which a historic light station is con-  
23 veyed under this section, shall not be required to  
24 maintain any active aids to navigation associated  
25 with a historic light station.

1           “(3) *In addition to any term or condition estab-*  
2           *lished pursuant to this subsection, the conveyance of*  
3           *a historic light station shall include a condition that*  
4           *the historic light station in its existing condition, at*  
5           *the option of the Administrator, revert to the United*  
6           *States if—*

7                     “(A) *the historic light station or any part*  
8                     *of the historic light station ceases to be available*  
9                     *for education, park, recreation, cultural, or his-*  
10                    *toric preservation purposes for the general public*  
11                    *at reasonable times and under reasonable condi-*  
12                    *tions which shall be set forth in the eligible enti-*  
13                    *ty’s application;*

14                    “(B) *the historic light station or any part*  
15                    *of the historic light station ceases to be main-*  
16                    *tained in a manner that ensures its present or*  
17                    *future use as an aid to navigation or compliance*  
18                    *with the National Historic Preservation Act, 16*  
19                    *U.S.C. 470–470x, the Secretary of the Interior’s*  
20                    *Standards for the Treatment of Historic Prop-*  
21                    *erties, and other applicable laws; or*

22                    “(C) *at least 30 days before the reversion,*  
23                    *the Administrator provides written notice to the*  
24                    *owner that the historic light station is needed for*  
25                    *national security purposes.*



1       “(d) *DESCRIPTION OF PROPERTY.*—*The Administrator*  
 2 *shall prepare the legal description of any historic light sta-*  
 3 *tion conveyed under this section. The Administrator may*  
 4 *retain all right, title, and interest of the United States in*  
 5 *and to any historical artifact, including any lens or lan-*  
 6 *tern, that is associated with the historic light station and*  
 7 *located at the light station at the time of conveyance. All*  
 8 *conditions placed with the deed of title to the historic light*  
 9 *station shall be construed as covenants running with the*  
 10 *land. No submerged lands shall be conveyed to nonfederal*  
 11 *entities.*

12       “(e) *RESPONSIBILITIES OF CONVEYEEES.*—*Each eligi-*  
 13 *ble entity to which a historic light station is conveyed under*  
 14 *this section shall use and maintain the historic light station*  
 15 *in accordance with this section, and have such conditions*  
 16 *recorded with the deed of title to the historic light station.*

17       “(f) *DEFINITIONS.*—*For purposes of this section:*

18               “(1) *HISTORIC LIGHT STATION.*—*The term ‘his-*  
 19 *toric light station’ includes the light tower, lighthouse,*  
 20 *keepers dwelling, garages, storage sheds, oil house, fog*  
 21 *signal building, boat house, barn, pumphouse,*  
 22 *tramhouse support structures, piers, walkways, and*  
 23 *related real property and improvements associated*  
 24 *therewith; provided that the light tower or lighthouse*

1       *shall be included in or eligible for inclusion in the*  
2       *National Register of Historic Places.*

3               “(2) *ELIGIBLE ENTITY.*—*The term ‘eligible en-*  
4       *tity’ shall mean—*

5                       “(A) *any department or agency of the Fed-*  
6       *eral government; or*

7                       “(B) *any department or agency of the state*  
8       *in which the historic light station is located, the*  
9       *local government of the community in which the*  
10       *historic light station is located, nonprofit cor-*  
11       *poration, educational agency, or community de-*  
12       *velopment organization that—*

13                       “(i) *has agreed to comply with the con-*  
14       *ditions set forth in subsection (c) and to*  
15       *have such conditions recorded with the deed*  
16       *of title to the historic light station;*

17                       “(ii) *is financially able to maintain*  
18       *the historic light station in accordance with*  
19       *the conditions set forth in subsection (c);*  
20       *and*

21                       “(iii) *can indemnify the Federal gov-*  
22       *ernment to cover any loss in connection*  
23       *with the historic light station, or any ex-*  
24       *penses incurred due to reversion.”.*

1 **SEC. 3. SALE OF SURPLUS LIGHT STATIONS.**

2 *Title III of the National Historic Preservation Act (16*  
 3 *U.S.C. 470w-470w-6) is amended by adding at the end the*  
 4 *following new section:*

5 **“§ 309. Historic light station sales**

6 *“In the event no applicants are approved for the con-*  
 7 *veyance of a historic light station pursuant to section 308,*  
 8 *the historic light station shall be offered for sale. Terms of*  
 9 *such sales shall be developed by the Administrator of Gen-*  
 10 *eral Services. Conveyance documents shall include all nec-*  
 11 *essary covenants to protect the historical integrity of the*  
 12 *historic light station and ensure that any active aids to*  
 13 *navigation located at the historic light station are operated*  
 14 *and maintained by the United States for as long as needed*  
 15 *for that purpose. Net sale proceeds shall be transferred to*  
 16 *the National Maritime Heritage Grant Program, estab-*  
 17 *lished by the National Maritime Heritage Act of 1994, Pub.*  
 18 *L. 103-451, within the Department of the Interior.”.*

19 **SEC. 4. TRANSFER OF HISTORIC LIGHT STATIONS TO FED-**  
 20 **ERAL AGENCIES.**

21 *Title III of the National Historic Preservation Act of*  
 22 *1966, 16 U.S.C. 470-470x, is amended by adding at the*  
 23 *end the following new section:*

1   **“§310. Transfer of historic light stations to Federal**  
2                   **agencies**

3           *“After the date of enactment of this section, any de-*  
4   *partment or agency of the Federal government, to which*  
5   *a historic light station is conveyed, shall maintain the his-*  
6   *toric light station in accordance with the National Historic*  
7   *Preservation Act of 1966, 16 U.S.C. 470–470x, the Sec-*  
8   *retary of the Interior’s Standards for the Treatment of His-*  
9   *toric Properties, and other applicable laws.”.*

10   **SEC. 5. FUNDING.**

11           *There are hereby authorized to be appropriated to the*  
12   *Secretary of the Interior such sums as may be necessary*  
13   *to carry out this Act.*